

04-22-05

erw  
1642

Atty. Dkt. No. 355908-1650  
Application Serial No. 09/866,488

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Anthony E. BOLTON, et al.

Title: APOPTOTIC ENTITIES FOR USE  
IN TREATMENT OF T-CELL-  
MEDIATED AND  
INFLAMMATORY DISORDERS

Appl. No.: 09/866,488

Filing Date: 5/25/2001

Examiner: M. Yu

Art Unit: 1642



CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 576571908 US (Express Mail Label Number)	April 20, 2005 (Date of Deposit)
Laura DiStefano (Printed Name)	
 (Signature)	

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a substitute amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] The fee required for additional claims is calculated below:

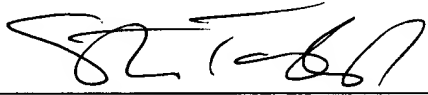
	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	26	-	26	=	0	x	\$50.00	=	\$0.00
Independent Claims:	4	-	4	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:								+	\$360.00
								=	\$0.00
CLAIMS FEE TOTAL								=	\$0.00

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: April 20, 2005

By  \_\_\_\_\_

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1155  
Facsimile: (650) 856-3710

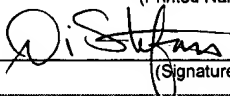
Stephen Todd  
Attorney for Applicant  
Registration No. 47,139



Atty. Dkt. No. 355908-1650  
Application Serial No. 09/866,488

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Anthony E. BOLTON, et al.  
Title: APOPTOTIC ENTITIES FOR USE  
IN TREATMENT OF T-CELL-  
MEDIATED AND  
INFLAMMATORY DISORDERS  
Appl. No.: 09/866,488  
Filing Date: 5/25/2001  
Examiner: M. Yu  
Art Unit: 1642

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 576571908 US (Express Mail Label Number)	April 20, 2005 (Date of Deposit)
Laura DiStefano (Printed Name)	
 (Signature)	

**SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is further to the Notice of Non-compliant Amendment mailed April 12, 2005, concerning the above-referenced patent application. The Notice set a 1-month or 30-day period for response. This Reply is being timely filed on or before its due date of May 12, 2005.

In the Notice, the Patent Office asserted that since Applicants' Reply filed on January 20, 2004 was non-compliant, the amendments were not entered. Since these amendments were not entered, the Reply of January 4, 2005 should have identified claims 46-59 as "new" rather than "previously presented."

However, Applicants responded on May 13, 2004 to the Notice of Non-compliant Amendment mailed on April 13, 2004. Not having received a Notice of Non-compliance with respect to the Reply of May 13, 2004, Applicants assumed that the Amendments had been entered. This assumption was, apparently, in error.

Applicants herein reiterate the Amendments made in the Reply of January 4, 2005. Claims 46-59 are now identified as "new."

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this document.

**Remarks/Arguments** begin on page 8 of this document.

Please amend the application as follows: